IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

Crl.MC.No. 848 of 2007()

CC.223/2001 of JUDL.MAGISTRATE OF FIRST CLASS COURT-II, PALAKKAD

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PETITIONER: PETITIONER/ACCUSED

JAYACHANDRAN,5/492,ELAYADATH HOUE,
KINATTINPALLATH,AKATHETHARA POST,PALAKKAD.

BY ADV. SRI.VINOD KUMAR.C

RESPONDENTS: RESPONDENT/COMPLAINANT

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1. STATE REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

2. M/S.HOMFIT LEASING LTD,VCM COMPLEX,
REPRESENTED BY THE POWER OF ATTORNEY HOLDER,
P.JAYAKUMAR.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.848 of 2007

Dated this the 23rd day of March 2007

O R D E R

The petitioner has been sentenced under Section 138 of the Negotiable Instruments Act to undergo imprisonment till rising of court and to pay compensation. Default sentence has also been prescribed. The petitioner was directed to appear before the learned Magistrate on 22/5/2006 to receive the sentence. The petitioner has not paid the amount but he is willing to pay the amount now. He apprehends that since he had not paid the compensation amount and appeared before the learned Magistrate on 22/5/2006, he may be forced to undergo default sentence. In view of that apprehension, he has come to this court seeking directions under Section 482 Cr.P.C.

2. The apprehension is totally baseless. The last trace of doubt on this aspect is laid to rest in the decision in Girish v. Muthoot Capital Service (P) Ltd. [2007(1) KLT 16]. If the petitioner would appear before the learned Magistrate and satisfy the learned Magistrate that payment has been made to the complainant as directed, there can be no question of deposit

of the amount before the learned Magistrate. There can be no question of any default sentence being executed against him.

2. This Criminal Miscellaneous Case is thus found to be unnecessary and is dismissed with the above observations.

(R.BASANT, JUDGE)

jsr

// True Copy//

PA to Judge

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006